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COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

Tentative Notice of Action

MEETING DATE May 6, 2005	CONTACT/PHONE Nick Forester 781-1163	APPLICANT James J. Perry	FILE NO. DRC-2004-00144
EFFECTIVE DATE May 6, 2005			
SUBJECT Request by James J. Perry for a Minor Use Permit to allow a waiver of the requirement that for secondary dwellings on sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling, and is proposing to place the residential secondary dwelling approximately 1900 feet from the primary residence. The project will result in the disturbance of approximately 4500 square feet of a 10.54 acre parcel. The proposed project is within the Residential Rural land use category and is located at 2250 Four Paws Way approximately three miles south east of the city of Paso Robles. The site is in the El Pomar- Estrella planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2004-00144 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on March 2, 2005			
LAND USE CATEGORY Residential Rural	COMBINING DESIGNATION None applicable	ASSESSOR PARCEL NUMBER 035-091-031	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: El Pomar-Estrella Planning Area standards: Section 22.94.020D Light and glare Section 22.94.040F.1.a Offer of dedication Does the project meet applicable Planning Area Standards: Yes - see discussion			
LAND USE ORDINANCE STANDARDS: Section 22.30.470 Residential Second Units Does the project conform to the Land Use Ordinance Standards: Yes - see discussion			
FINAL ACTION This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on May 6, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			
EXISTING USES: Single family residence			
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Rural/Scattered residences South: Agriculture/Vineyards East: Residential Rural/Scattered residences West: Residential Rural/Scattered residences			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, CDF	
TOPOGRAPHY: Gentle to steep sloping	VEGETATION: Grasses
PROPOSED SERVICES: Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: March 2, 2005

## DISCUSSION

### PLANNING AREA STANDARDS:

Section 22.94.020.D requires that all exterior light fixtures be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. As conditioned the project complies with this standard.

Section 22.94.040F.1.a requires that prior to the issuance of any land use permit, the applicant must make an offer of dedication for a public road right of way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a fifty foot wide road section from the future centerline. As conditioned the project complies with this standard.

### LAND USE ORDINANCE STANDARDS:

22.30.470-Secondary Dwellings. Secondary dwellings are allowed in the Rural Residential land use category pursuant to the authority established by Section 65852.2 et seq. of the California Government Code. A secondary dwelling shall be accessory to a primary dwelling and the owner of the site must agree to occupy one unit on the site as his or her primary residence. A secondary dwelling is allowed only on a site that has frontage on a road or private easement that is maintained by the county, state or special district. The project site parcel has frontage on High Road, a county maintained road.

For sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling. However, due to the parcel configuration and topography of this site, it is necessary to locate the proposed secondary dwelling unit approximately 1,900 feet from the existing residence in order to eliminate the potential for excessive grading and erosion and drainage problems. The site contains a relatively steep valley and drainage swales, creating the need for a larger separation between the existing primary and proposed secondary residence. Therefore, staff can support this Minor Use Permit to modify the standard and allow construction of the secondary dwelling 1,900 feet from the primary dwelling.

### AGENCY REVIEW:

Public Works- No comments  
CDF – Fire letter dated March 8, 2005

**LEGAL LOT STATUS:**

The parcel was legally created by a recorded map at a time when that was a legal method of creating lots.

Staff report prepared by Nick Forester and reviewed by Kami Griffin

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project involves the construction of a second dwelling unit in a residential zone.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the secondary dwelling does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed secondary dwelling is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on High Ridge Road, a paved private road with an organized maintenance agreement.
- G. Modification of the distance a secondary dwelling can be located from a primary dwelling from 250 feet to allow a secondary dwelling to be located approximately 1,900 feet from the primary dwelling is justified because there are specific conditions of the site that make the standard ineffective. These conditions consist of a relatively steep valley and drainage swale which cuts through the center of the property. Allowing a waiver of the distance requirement will minimize the need for grading and site disturbance associated with building pads and access driveways.

## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes
  - a. A request by James J. Perry for a Minor Use Permit to allow a waiver of the requirement that for secondary dwellings on sites less than 20 acres in the Residential Rural category, the secondary dwelling should be located within 250 feet of the primary dwelling, and authorizes placement of the residential secondary dwelling approximately 1900 feet from the primary residence. The project will result in the disturbance of approximately 4500 square feet of a 10.54 acre parcel.
  - b. maximum height is 35 feet from average natural grade.

### Conditions required to be completed at the time of application for construction permits

#### Site Development

2. At the time of application for construction permits plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. At the time of application for construction permits, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

#### Fire Safety

4. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated March 8, 2005.

#### Services

5. At the time of application for construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
6. At the time of application for construction permits, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

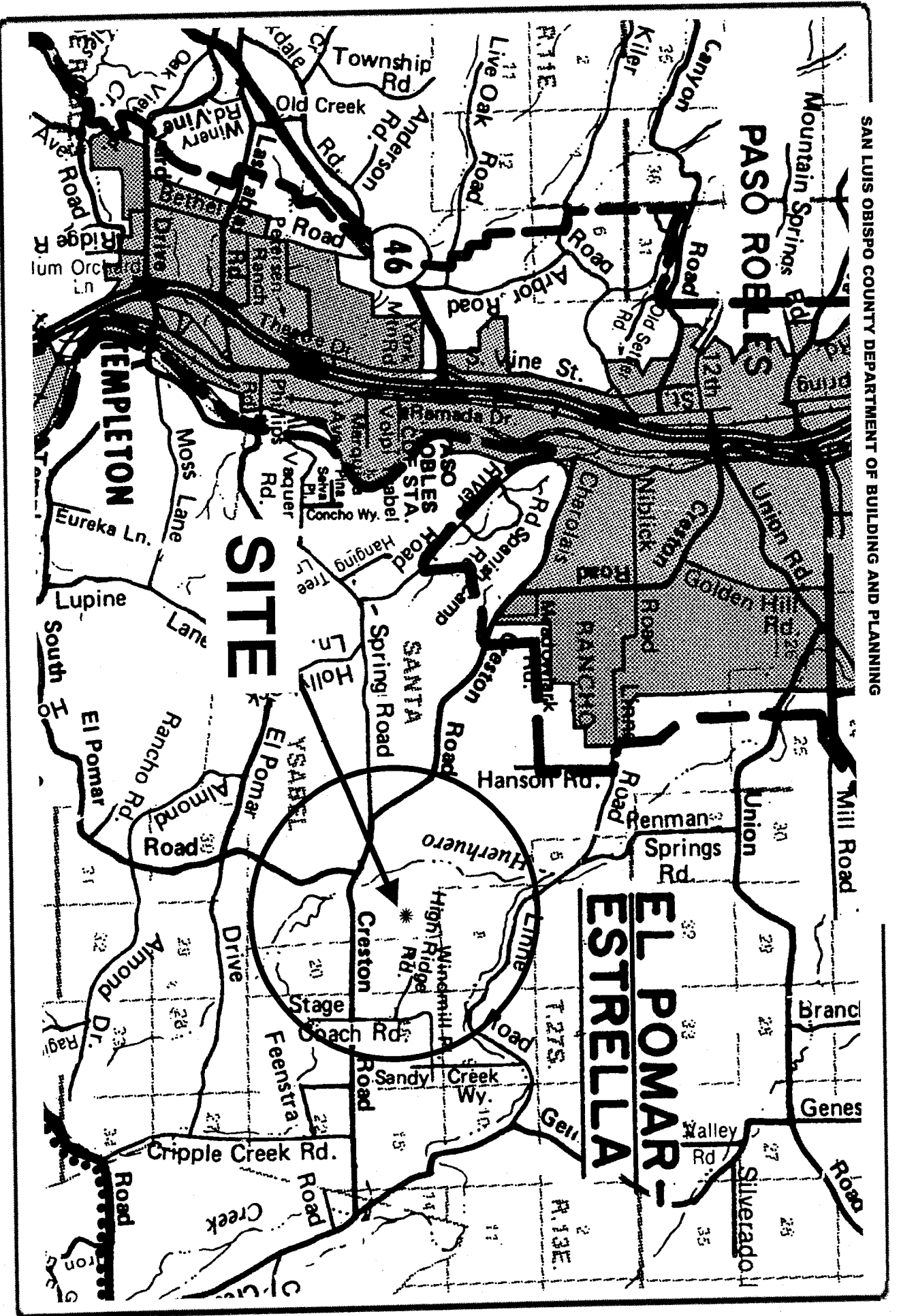
7. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.
8. Prior to issuance of a construction permit, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 22.74 of this title. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence.
9. Prior to issuance of a construction permit, the applicant shall provide proof that an organized maintenance agreement exists for High Ridge Road.
10. The applicant must make an offer of dedication for a public road right of way across the entire property frontage along the proposed road. Offered rights-of-way should follow platted road alignments where feasible, and are to be one-half of a fifty foot wide road section from the future centerline. As conditioned the project complies with this standard.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

11. Prior to occupancy or final inspection, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

On-going conditions of approval (valid for the life of the project)

12. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



PASO ROBLES

SITE

EL POMAR-ESTRELLA

PROJECT

Minor Use Permit

Perry DRC2004-00144

EXHIBIT

Vicinity Map

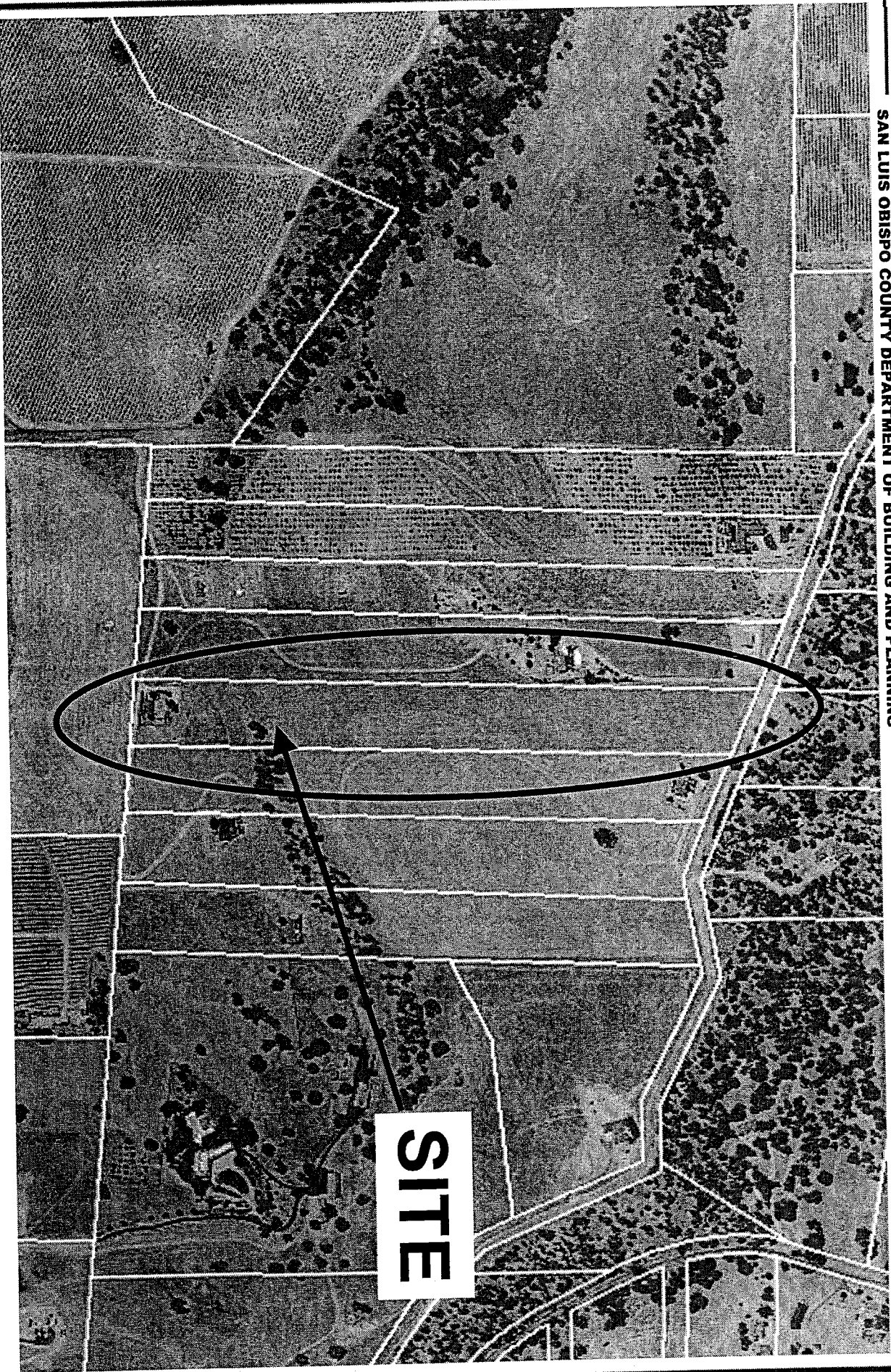


Minor Use Permit  
Perry DRC2004-00144



## Land Use Category Map





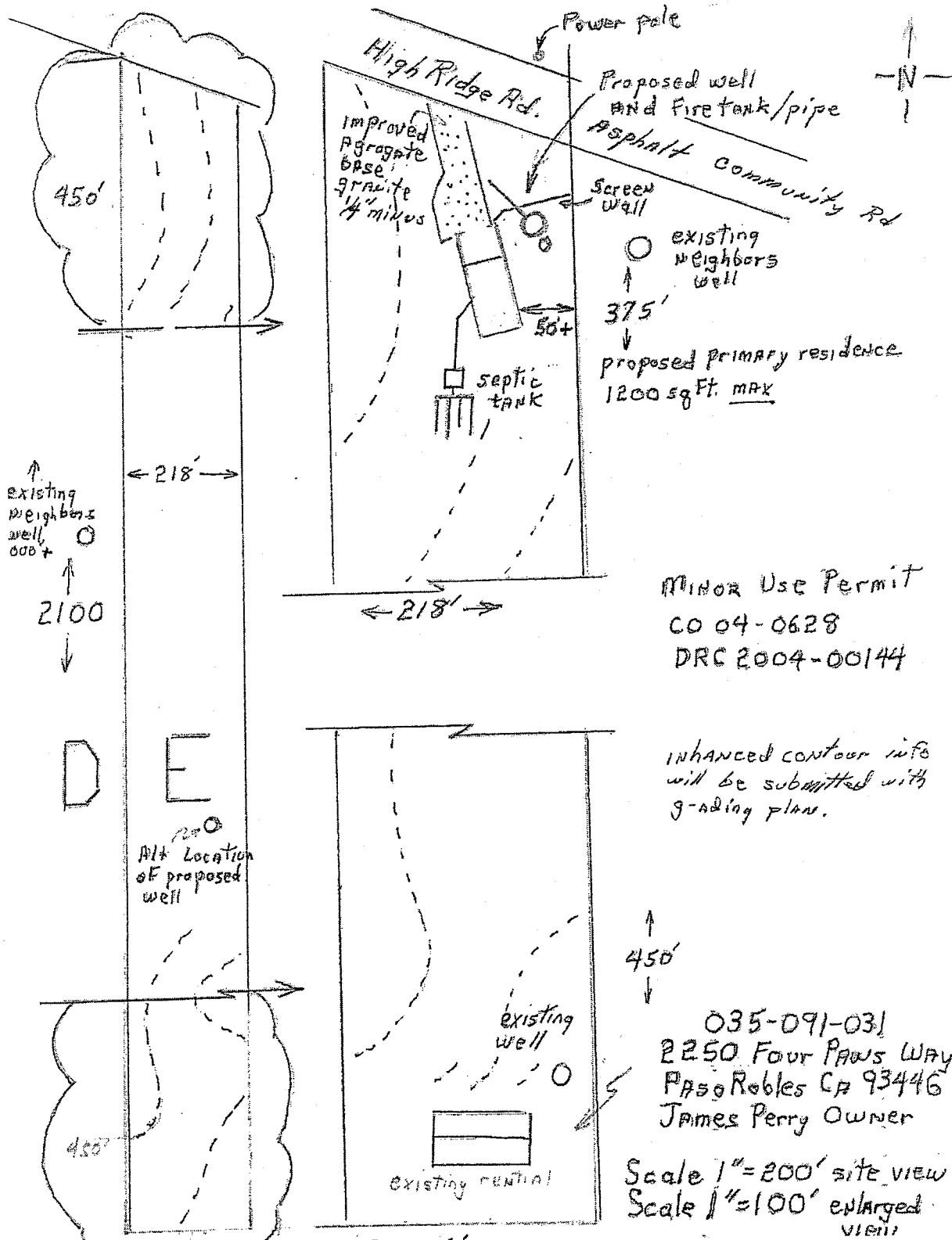
**PROJECT**

Minor Use Permit  
Perry DRC2004-00144



**EXHIBIT**

Aerial Photo



PROJECT

Minor Use Permit  
Perry DRC2004-00144



EXHIBIT

Site Plan